

**DOCKET NO. D-91-58 CP-4**

**DELAWARE RIVER BASIN COMMISSION**

**Maidencreek Township Authority  
Ground Water Withdrawal  
Maidencreek Township, Berks County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by the Maidencreek Township Authority to the Delaware River Basin Commission (DRBC or Commission) on June 2, 2006, for review of a ground water withdrawal project approved by the DRBC on May 10, 2006. The Public Water Supply Permit No 0605518 was issued by Pennsylvania Department of Environmental Protection (PADEP) on March 1, 2006, and an amended construction permit for new Well No. 5 was issued on June 19, 2006.

The Application was reviewed for inclusion into the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on September 27, 2006.

**A. DESCRIPTION**

1. **Purpose.** The purpose of this project is to increase the supply of water to the docket holder's public water supply distribution system from new Well No. 5 from 5.7 million gallons per thirty days (mg/30 days) to 14.39 mg/30 days and to retain the existing withdrawal from all wells to 22.7 mg/30 days. Well No. 5 is proposed as a redundant source to provide flexibility and reliability in operation of the docket holder's public water supply distribution system. No increase in the total existing allocation is proposed.
2. **Location.** The project wells are located in the Maiden Creek and Willow Creek watersheds. Specific location information has been withheld for security reasons.
3. **Area Served.** The Maidencreek Township Authority serves water to the Blandon and Maidencreek portions of Maidencreek Township. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the Decisions section of this docket.

**4. Physical features.**

**a. Design criteria.** The docket holder operates three wells as sources of supply to its public supply distribution system with an existing average and maximum water demand of 14.13 mg/30 days and 15.75 mg/30 days, respectively. Ten year future projections provided by the docket holder indicate an increase in average and maximum water demand to 20 mg/30 days and 22.7 mg/30 days, respectively. New Well No. 5 will add redundancy and flexibility to the system.

**b. Facilities.** The existing project wells have the following characteristics:

<b>WELL NO.</b>	<b>DEPTH</b>	<b>CASED DEPTH</b>	<b>FORMATION</b>	<b>PUMP CAPACITY</b>	<b>YEAR DRILLED</b>
1	312'	118'	Granite Gneiss	40 gpm	1964
2	297'	134'	Epler	250 gpm	1973
3	338'	292'	Allentown	1600 gpm	1990
5	831'	125'	Allentown	500 gpm	2004

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water will be treated by chlorination and fluoridation.

The project facilities are above the 100-year flood elevation.

The water system is not presently interconnected with any other distribution systems.

**c. Other.** Wastewater is conveyed to the Maidencreek Township Authority sewage treatment facility most recently approved by DRBC Docket No. D-2000-28 CP on September 28, 2000. The PADEP issued its most recent NPDES Permit No. PA0070271 on August 22, 2005 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

**d. Cost.** The overall cost of this project is estimated to be \$350,000.

**e. Relationship to the Comprehensive Plan.** The docket holder's existing water supply facilities were previously included in the Comprehensive Plan by Dockets Nos. D-74-28 CP, D-91-58 CP, D-91-58 CP Renewal, and D-91-58 CP-3.

**B. FINDINGS**

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

A 48-hour pump test was performed on Well No. 5 from January 31 to February 2, 2005 at a constant rate of 500 gallons per minute (gpm). At this rate, drawdown in Well No. 5 stabilized by the end of the test and drawdown was observed in four of the seven observation wells that comprised the monitoring well network. The greatest amount of drawdown observed in a private domestic well was approximately 3.7 feet; all other drawdown measured in observation wells was less than 1 foot. The residential well which experienced 3.7 feet of drawdown is 327 ft. deep with a static water level in the range of 45 to 55 feet below ground surface. The requested allocation for Well No. 5 is 14.39 mg/30 days, or a constant 333 gpm over the month (66% of the pump test rate); no adverse impacts are expected to occur on existing well users. In addition, no impacts to surface water features are expected based on no measurable drawdown during the pumping test in a streambed piezometer, which was located on the opposite side of Willow Creek from Well No. 5.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of ten percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

**C. DECISION**

I. Effective on the approval date for Docket No. D-91-58 CP-4 below:

- a. The projects described in Docket No. D-91-58 CP-3 are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-91-58 CP-4; and
- b. Docket No. D-91-58 CP-3 is terminated and replaced by Docket No. D-91-58 CP-4.
- c. The project and the appurtenant facilities described in the Section entitled “Physical features” above shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section entitled “Physical features” above are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's. The docket holder shall register with the PADEP all ground water sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any 30-day period, the withdrawal from Well No. 5 shall not exceed 14.39 million gallons, and the withdrawal from all wells shall not exceed 22.7 million gallons.

e. The wells shall be equipped with readily accessible capped ports and drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and drop pipes as repairs or modifications are made at each existing well.

f. Upon completion of construction of the approved project, the docket holder shall submit a statement to the DRBC, signed by the docket holder's engineer or other responsible agent, advising the Commission that the construction has been completed in compliance with the approved plans, giving the final construction cost of the approved project and the date the project is placed in operation.

g. This docket approval for Well No. 5 shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

h. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

i. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

j. In accordance with DRBC Resolution No. 87-6 (Revised), the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum

include: periodic surveys to monitor leakage, enumerate unaccounted-for water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

k. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

m. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

n. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

o. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

p. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

q. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

r. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

s. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend,

alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

t. If the operation of this project significantly affects or interferes with any domestic or other existing wells or surface water supplies, or if the docket holder receives a complaint by any user of wells or surface water supplies within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by users of wells or surface water supplies within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Branch at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any well or surface water supply which is substantially adversely affected, or rendered dry or otherwise unusable as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required. The Executive Director may modify or suspend this approval, or require mitigating measures, pending additional review.

u. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

v. The docket holder and any other person aggrieved by a reviewable action or decision taken by the Executive Director or Commission pursuant to this docket may seek an administrative hearing pursuant to Articles 5 and 6 of the Commission's *Rules of Practice and Procedure*, and after exhausting all administrative remedies may seek judicial review pursuant to Article 6, section 2.6.10 of the *Rules of Practice and Procedure* and section 15.1(p) of the Commission's *Compact*.

**BY THE COMMISSION**

**APPROVAL DATE:                   September 27, 2006**

**EXPIRATION DATE:               September 27, 2016**